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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Michael L Johnson Jr.

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29569

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11/27/2006

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EXAMINER

LEE, JOHN W

ART UNIT

PAPER NUMBER

2112

DATE MAILED: 11/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/707,798	Applicant(s) JOHNSON, MICHAEL L	
	Examiner John Wahnkyo Lee	Art Unit 2112	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>20040113</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code in paragraph [0041]. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Information Disclosure Statement

2. An initialed and dated copy of Applicant's IDS form 1449, Paper No. 20040113, is attached to the instant Office action.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a) because they fail to show 'user 100' in Fig. 1 as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several

views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

- (1) 'User 10' recited in paragraphs [0060], [0062]-[0064], [0066]-[0068], [0071], [0073]-[0076] is missing in Fig. 1.
- (2) 'Web page 200' recited in paragraph [0064] is missing in Fig. 2.
- (3) 'Card screen 300' recited in paragraphs [0066]-[0067] is missing in Fig. 3.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required

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corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-2, 6, 15, 17, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Small (U.S. 5,442,567).

7. Regarding claim 1, the claim discloses a system that a user can connect to the system, select a greeting card, write a text message on the card, printing the message on the card, and sending the card.

Small discloses a system for a user to send a greeting card comprising:

(1) A user connect to a card system (abstract)

(2) Said user select a greeting card (col. 2, lines 25-29)

(3) Said user write a text message printing send card (col. 2, lines 25-29)

(4) Printing send message on said card (claim 1) and sending said card (claim 1)

8. Regarding claim 2, the system recited in claim 1 can send a card with a monetary gift for the user of the system.

Small discloses a system, which can send a card with a monetary gift such as gift certificates (abstract).

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9. Regarding claim 6, the user can connect to the system recited in claim 1 through the use of a computer.

Small discloses a system, which is controlled by a CPU (Fig. 2; col. 2, lines 1-4).

10. Regarding claims 15, 17, and 19, the card recited in claim 1 can be cards for specific events such as congratulations and birthday.

Small discloses the cards for specific events in claim 15 (col. 1, lines 42-44) such as congratulations in claim 17 (col. 1, line 44) and birthday in claim 19 (col. 1, line 44).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1, and 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Small (U.S. 5,442,567) in view of Gever et al. (U.S. 6,313,835).

13. Regarding claims 3 and 4, user can select the font and the color of the message on the card from the system recited in claim 1.

As discussed before, Small discloses all the features and elements of the system recited in claim 1. However, Small does not disclose the features disclosed in claims 3 and 4, but Gever discloses of selecting the font and the color of the message (col. 2, lines 16-17).

Small and Gever are analogous because they are from the same field of endeavor of electronic graphic design.

It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to use Gever's method in Small's system for dispensing personalized greeting cards. The motivation would have been to make it possible for different users to select and create different components because of different preference suggested by Gever (col. 2, lines 5-20). Therefore, it would have been obvious to combine Small and Gever to obtain the invention of claims 3 and 4.

14. Claims 1, 5 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Small (U.S. 5,442,567) in view of Silverbrook et al. (U.S. 6,980,318).

15. Regarding claims 5 and 7, the system recited in claim 1 can be contact through the Internet using the computer by the user.

Small discloses all the features of the system recited in claim 1 and using the computer for user to contact the system as discussed before.

However, Small does not disclose using the Internet for contacting to the system, but Silverbrook discloses a network system, which users can contact to use the system (Fig.3; col. 7, lines 43- 53; col. 8, lines 59-65) and 'Netpage', which users can connect to the system through the use of a computer (col. 7, lines 53-55; col. 15, line 15) through the Internet (Fig.3; col. 7, lines 43- 53; col. 8, lines 59-65).

Small and Sivlerbrook are analogous because they are from the same field of endeavor of creating greeting cards.

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It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to use Silverbrook's system in Small's system for dispensing personalized greeting cards. The motivation would have been the many advantages over the traditional system- the consumers are able to navigate information via hypertext links, the system can be targeted to specific demographics and linked to product sites as suggested by Silverbrook (col. 1, lines 64-66; col. 2, lines 2-5). Therefore, it would have been obvious to combine Small and Silverbrook to obtain the invention of claims 5 and 7.

16. Regarding claim 8, the system recited in claim 1 can check the status whether the card has been sent.

Small does not disclose the feature in claim 8. However, Silverbrook discloses 'a get form status command' which can get the status of the form including the person of the publication, when it was published, and etc (col. 23, lines 21-29), which are typically implemented as a hyperlink.

Small and Silverbrook are analogous because they are from the same field of endeavor of creating greeting cards.

It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to use Silverbrook's system in Small's system for dispensing personalized greeting cards. The motivation would have been to make it easier for the consumer to get and navigate the information of the card, which was created and sent suggested by Silverbrook (col. 1, lines 64-67). Therefore, it would have been obvious to combine Small and Silverbrook to obtain the invention of claim 8.

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17. Regarding claim 9, the system recited in claim 1 has an account for each user.

Small does not disclose about the user having an account for the system, but Silverbrook discloses a customer account and a Netpage account, which are accounts for the users of the system (Fig. 51, CUSTOMER ACCOUNT 512, NETPAGE ACCOUNT 820; col. 46, lines 17, 26).

Small and Silverbrook are analogous because they are from the same field of endeavor of creating greeting cards.

It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to use Silverbrook's system in Small's system for dispensing personalized greeting cards. The motivation would have been to make more efficient of the transaction of the payment and the delivery of the selected card between the system and the user suggested by Silverbrook (col. 46, lines 1-47). Therefore, it would have been obvious to combine Small and Silverbrook to obtain the invention of claim 9.

18. Claims 1, 10-11, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Small (U.S. 5,442,567) in view of Ottley (2002/0116276).

19. Regarding claims 11 and 14, user can have the return address as it own address and select the method of postage from the system recited in claim 1.

As discussed before, Small discloses all the features and elements of the system recited in claim 1. However, Small does not disclose the features disclosed in claims 10-11 and 14, but Ottley discloses using a postal service for delivery (abstract), having

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user's address as the return address (page 2, paragraph [0012]), and allowing user to select the method of postage such as overnight, first class, etc (Fig. 2, The shipping method dynamic area 202; pages 2-3, paragraph [0037]).

Small and Ottley are analogous because they are from the same field of endeavor of electronic graphical user interface system.

It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to use Ottley's method in Small's system for dispensing personalized greeting cards. The motivation would have been to use the traditional methodology, which is easily understood by most of the users (page 1, paragraph [0007]), and provide a more user friendly and intuitive interface for the users (page 1, paragraph [0005]) suggested by Ottley. Therefore, it would have been obvious to combine Small and Ottley to obtain the invention of claims 10-11 and 14.

20. Claims 1, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Small (U.S. 5,442,567) in view of Mitsuoka et al. (2002/0016744).

21. Regarding claims 12 and 13, user can select and change the delivery date of the card from the system recited in claim 1.

As discussed before, Small discloses all the features and elements of the system recited in claim 1. However, Small does not disclose the features disclosed in claims 12 and 13, but Mitsuoka discloses the user can select the delivery date as one of the delivery terms (page 2, paragraph [0023]) and change the delivery date (page 2, paragraph [0025]).

Small and Mitsuoka are analogous because they are from the same field of endeavor of electronic delivery method.

It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to use Mitsuoka's method in Small's system for dispensing personalized greeting cards. The motivation would have been to solve the problems when the recipient is not at home or unable to receive the product (page 1, paragraphs [0010]-[0012]) suggested by Mitsuoka. Therefore, it would have been obvious to combine Small and Mitsuoka to obtain the invention of claims 12 and 13.

22. Claims 1, 15-16, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Small (U.S. 5,442,567) in view of Douglas (US 5,815,964).

23. Regarding claims 16 and 18, the card recited in claim 1 can be cards for specific events such as holidays and 'get well'.

As discussed before, Small discloses all the features and elements of the system recited in claims 1 and 15. However, Small does not disclose types of card such as the holidays and the 'get well' card, but Douglas does (col. 1, lines 6 and 15).

Small and Douglas are analogous because they are from the same field of endeavor of creating a greeting card.

It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to use Douglas's method in Small's system for dispensing personalized greeting cards. The motivation would have been to make it possible for the system to include cards for holidays and 'get well', which are known and widely

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distributed in exchange by users as suggested by Douglas (col. 1, lines 12-13).

Therefore, it would have been obvious to combine Small and Douglas to obtain the invention of claims 16 and 18.

24. Claims 1 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Small (U.S. 5,442,567) in view of Hoy (2003/0152666).

25. Regarding claim 20, the message recited in claim 1 can appear at the bottom of the inside left hand side of the card.

As discussed before, Small discloses all the features and elements of the system recited in claim 1. However, Small does not disclose where the message has to be inside the card, but Hoy discloses messages can be at the bottom of the inside left hand side of the card (Fig. 5B, page 3, paragraph [0043]).

Small and Hoy are analogous because they are from the same field of endeavor of editing a greeting card.

It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to use Hoy's method in Small's system for dispensing personalized greeting cards. The motivation would have been to make it able for the user to insert messages at the bottom of the inside left hand side of the card, for it is conventional to write a personal message on the left hand side of the card. Therefore, it would have been obvious to combine Small and Hoy to obtain the invention of claim 20.

Conclusion

26. No claims are allowed.

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27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Wahnkyo Lee whose telephone number is (571) 272-9554. The examiner can normally be reached on Monday - Friday (Alt.) 7:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Stucker can be reached on (571) 272-0911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



John W. Lee



JEFFREY STUCKER
SUPERVISORY PATENT EXAMINER